

ORIGINAL

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Dept. C-35
Date: 8-24-18

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
AUG 23 2018
DAVID H. YAMASAKI, Clerk of the Court
BY: *R. Peace*
R. PEACE, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

JOHN DOES 1-58,

Defendant(s).

Case No.: M-17638

NOTICE OF INTERVENTION AND
JOINDER

**TO THE CLERK OF THE ABOVE-ENTITLED COURT, TO THE ORANGE
COUNTY COUNSEL, AND TO THE DISTRICT ATTORNEY FOR ORANGE
COUNTY:**

The Office of the Orange County Alternate Public Defender (hereinafter "ALTS") hereby requests the Court leave to intervene and join in the above-referenced litigation involving the alleged unlawful recording and eavesdropping of attorney-client conversations by the Sheriff's Department. To the extent necessary to protect their own attorney-client communications, the ALTS further request the Court to permit them to join in the relief requested by the Office of the Public Defender, and any further relief ordered by this Court.

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On request of the Public Defender, this Court recently ordered any law enforcement or prosecuting agency to return any suspected attorney-client privileged recordings to a special master, appointed by this Court. Additionally, this Court further ordered any prosecuting or law enforcement agency to cease listening to, or otherwise accessing, any recorded attorney-client inmate phone calls.

¹ And by “accessed” it is still unclear whether those phone calls were recorded, listened to, or downloaded by the Sheriff’s Department. Yet to be determined is the extent to which the recordings were listened to and provided to prosecuting attorneys.

1 calls were recorded and "accessed" by the Sheriff and/or it's vendor GTL.² However, the
2 ALTS still have 6 un-accounted for phone calls that were recorded and "accessed", but for
3 which no identifying inmate information was provided.

4 The ALTS recognize that this Court's August 20th, 2018 order has, at least for the
5 time being, satisfied its interests in preventing further intrusions upon its attorney-client
6 communications. However, the ALTS wish to be heard to the extent that further relief is
7 warranted, or additional orders requested.

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9 Dated: 8-22-18

Respectfully Submitted,

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12 By Randy K. Ladisky
13 Attorney at Law
14 Senior Deputy Alternate Defender
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27 ² The ALTS were NOT notified of an additional inmate, whose inmate identifying information was
28 coincidentally recognized, whose attorney-client communication was recorded and "accessed".
Thus the ALTS should have received notification of the breach on four (not three) current/past
clients.